

LAW OFFICES OF  
**JOHN L. BURRIS**

www.johnburrislaw.com

John L. Burris  
Ben Nisenbaum  
Adanté D. Pointer  
DeWitt M. Lacy  
Lateef H. Gray  
James A. Cook  
Melissa C. Nold

john.burris@johnburrislaw.com  
bnisenbaum@gmail.com  
adante.pointer@johnburrislaw.com  
dewitt.lacy@johnburrislaw.com  
lateef.gray@johnburrislaw.com  
james.cook@johnburrislaw.com  
melissa.nold@johnburrislaw.com

10/4/19

Claudia Quintana  
City Attorney's Office  
555 Santa Clara Street  
Vallejo, California 94591

Re: Cease and Desist

Dear City Attorney Quintana,

This is a formal notice of your legal requirement to preserve evidence and cease and desist.

*Michael Nichelini*

In July 2019, I filed a claim against Lt. Michael Nichelini for his unwarranted attack on my client, Carlos Yescas, in January 2019. In response to my claim and constitutionally protected criticisms, Lt. Nichelini targeted me for retaliation and intimidation. Lt. Nichelini made numerous posts about me on the Police Officer Association Facebook page, wherein he defamed my character and attempted to direct hostility and violence towards me by claiming that I am bad for the health of the city, all while acting in the capacity of a Vallejo Police Lieutenant. This serves as formal notice to preserve all evidence related to Lt. Nichelini's social media posts targeting myself and/or my clients, from January 2019 until today.

During the September 24, 2019 Vallejo City Council meeting, Lieutenant Nichelini covertly conducted surveillance of me, using his cell phone. More than fifteen (15) minutes of footage was captured and produced as a result of public record request from the Times Herald. As you know, Lt. Nichelini has been sued at least eight (8) times for federal civil rights violations and is largely considered to be dangerous and out of control. His recent conduct highlights the type of concern citizens have been raising for decades, which continues to fall upon deaf ears.

This unwarranted surveillance was conducted without a legitimate law enforcement purpose, for the sole purpose of dissuading me from exercising my constitutionally protected First Amendment right to criticize public employees. It should be noted that Lt. Nichelini was surveilling me using his cell phone and not his department issued Body Worn Camera. You are obligated to ensure that your employees, including Lt. Nichelini, immediately cease and desist from conducting any type of surveillance and/or unsolicited contact with me. This serves as formal notice to preserve all evidence related to Lt. Nichelini's body worn camera and/or cell phone footage, that depicts me and/or my clients.

*David McLaughlin*

On October 3, 2019, at approximately 5:00 p.m., myself and my client, Alicia Saddler, were contacted by Defendant Vallejo Police Officer David McLaughlin, as he responded to a call for service at the 7-11 on Georgia Street. As you know, I am currently suing Defendant McLaughlin for his unwarranted attack on my client, in the matter of *Burrell v. City of Vallejo*. During the interaction, Defendant McLaughlin unnecessarily engaged me and purposely antagonized Ms. Saddler by relaying demonstrably false and inflammatory information about pending litigation in *Evans v. City of Vallejo*. His actions served no legitimate purpose and were clearly calculated to cause intentional emotional distress. As you know, Ms. Saddler's **unarmed** brother was killed by Vallejo Police Officer Jacobsen, in 2017. Defendant McLaughlin is not a party to the *Evans v. City of Vallejo* matter and should not be making statements about pending litigation, particularly not erroneous and inflammatory statements calculated to cause injury. Please advise Defendant McLaughlin to have absolutely no unsolicited contact with ANY of my clients if they have not summoned police services.

Then, with full knowledge of my identity, Defendant McLaughlin then proceeded to harass me and attempt to compel me to shake his hand. When I politely declined, he began to interrogate me about why I refused to shake his hand. During this interaction, Defendant McLaughlin threatened me by indicating that he knows that I live in Vallejo. It should go without saying that it is grossly inappropriate for an armed, violent defendant to attempt to accost opposing counsel in a public place and make comments threatening the sanctity of my home. In addition, your client also made numerous statements about the pending litigation in *Burrell v. City of Vallejo*, which now serve as party admissions. I am formally requesting all body worn camera footage from that call for service to be preserved and produced to me immediately, including Defendant McLaughlin and all responding officers. You would think that a disgraced officer, who just returning to patrol after being placed on desk duty for months, would attempt to **avoid** harassing counsel and antagonizing grieving families.

The Vallejo Police Department has engaged in a long and egregious history of intimidating witnesses and threatening critics. I do not take kindly to and will not tolerate your rogue and unredeemable employees attempting to intimidate me and my

clients. I will be contacting every federal judge presiding over cases I am involved with against the City of Vallejo to put the court on notice of attempts to intimidate counsel and deter the vindication of civil rights. Defendant McLaughlin and Lt. Nichelini's attempts to dissuade witnesses, obstruct justice and make criminal threats will not be tolerated.

If I have ANY further unsolicited contact from ANY of your police department employees, I will be forced to pursue all remedies available under state and federal law, up to and including federal civil and criminal charges. Your continued refusal to control your employees has resulted in numerous abuses and losses of human life. The ongoing attempts to deter and intimate people vindicating their rights serves as further evidence of the Vallejo Police Department's ongoing pattern and practice of ratifying unconstitutional conduct and will be used against the City of Vallejo in pending litigation. Sadly, I wonder how many more people will be threatened, harmed or killed while you steadfastly deny an objectively obvious failure to supervise your employees.

If you have any questions, you know how to reach me.

Sincerely,

*Melissa C. Nold*  
Attorney at Law

## Kelly Trujillo

---

**From:** Claudia Quintana  
**Sent:** Monday, October 7, 2019 4:53 PM  
**To:** Melissa Nold  
**Cc:** Greg Nyhoff; Joe Allio; Kelly Trujillo  
**Subject:** RE: Cease and Desist

Good afternoon Ms. Nold,  
(Council bcc'd)

I have shared your correspondence with VPD Chief Allio and asked that he share it with his affected employees. You make a number of allegations against VPD employees. Please be reminded that the VPD has a formal process for investigating and addressing your accusations of misconduct regarding VPD officers. I encourage you to use that process, as I will not be addressing your accusations.

Secondly, I remind you that VPD officers do not work for or report to the City Attorney and that this office does not represent the VPOA.

Thirdly, with specific reference to the *Burrell* case, in accordance with Rules of Professional Conduct Rule 4.2, please refrain from communicating with our clients regarding any case you are pursuing wherein they are named defendants.

Finally, we note that in the same letter where you discuss pending civil cases, you also threaten criminal charges. Rules of Professional Conduct Rule 3.10 prohibits these types of threats.

Thank you.

Claudia Quintana  
City of Vallejo | City Attorney  
(707) 648-4545 | Claudia.quintana@cityofvallejo.net  
  

This email contains material that is confidential and/or privileged under the work product doctrine, and attorney-client or official information privileges, for the sole use of the intended recipient. Any reliance on or review of this email by anyone other than the intended recipient, or any distribution or forwarding of this email, without express written permission of the City Attorney is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email, and destroy all copies of the original message.

**From:** Melissa Nold <melissa.nold@johnburrslaw.com>  
**Sent:** Friday, October 4, 2019 5:01 PM  
**To:** Claudia Quintana <Claudia.Quintana@cityofvallejo.net>  
**Cc:** Greg Nyhoff <Greg.Nyhoff@cityofvallejo.net>; Mayor Bob Sampayan <Bob.Sampayan@cityofvallejo.net>; Robert H. McConnell <Robert.McConnell@cityofvallejo.net>; Hakeem Brown <Hakeem.Brown@cityofvallejo.net>; katy.meissner@cityofvallejo.net; pippen.dew@cityofvallejo.net; Hermie Sunga <Hermie.Sunga@cityofvallejo.net>; Rozzana Verder-Aliga <Rozzana.Verder-Aliga@cityofvallejo.net>  
**Subject:** Cease and Desist

Good afternoon Ms. Quintana,

Please see attached cease and desist letter.

Thank you,

Melissa C. Nold

“CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or otherwise be protected by law. Any access, use, disclosure or distribution of this email message by anyone other than the intended recipient(s) is unauthorized and prohibited. If you are not an intended recipient (or an agent acting on an intended recipient’s behalf), please contact the sender by reply e-mail and immediately destroy all copies of the original message. Virus scanning is recommended on all email attachments.”

\*\*\*\*\* This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments.  
\*\*\*\*\*